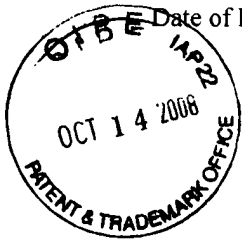


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Our Case No. 10022/54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)	
)	
Shawn S. Cornelius et al.)	
)	Examiner: Nguyen, Thuong
Serial No.: 09/945,188)	
)	Art Unit: 2155
Filed: August 31, 2001)	
)	Confirmation No.: 3206
For: REMOTELY MANAGING A)	
DATA PROCESSING SYSTEM)	
VIA A COMMUNICATIONS)	
NETWORK)	
)	
)	

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal is in response to the non-Final Office Action¹ mailed July 18, 2008².

¹ The filing of a Notice of Appeal regarding a non-Final Office Action is proper under 35 U.S.C. § 134(a) since one or more of the claims pending in the above mentioned application have been twice rejected.

² A Notice of Appeal is being filed concurrently with the present Appeal Brief. Since the present Appeal Brief is being filed within two months of the mailing of the Notice of Appeal, the present Appeal Brief is timely filed.

I. REAL PARTY IN INTEREST

Accenture Global Services GmbH is the real party of interest in this Appeal.

II. RELATED APPEALS AND INTERFERENCES

The undersigned, John C. Freeman, is not aware of any other appeals, interferences or other judicial proceedings that may be related to, would directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

The status of the claims is as follows:

Claims 4, 17, 22 and 29 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 2-6 and 8-30 are rejected under 35 U.S.C. § 103.

Claims 1 and 7 are canceled.

The above-mentioned rejections of claims 2-6 and 8-30 are the subject of this Appeal.

IV. STATUS OF AMENDMENTS

An Amendment was filed on June 29, 2007 in response to the Final Office Action mailed May 4, 2007. The Amendment was not entered per the Advisory Action mailed on July 25, 2007.

An Amendment was filed on April 21, 2008 in response to the Final Office Action mailed February 19, 2008. The Amendment was entered per the Advisory Action mailed on May 22, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER

An understanding of the invention of independent claims 4, 17, 22 and 29 can be made upon a review of the embodiments of the invention shown in FIGS. 1-3 and 9-10 of the specification. Note that in the description to follow, like elements will employ identical identification numerals.

A. Description of Embodiments of Inventions

In accordance with the present invention, FIG. 1 shows a business-to-business system 10 that includes a primary business system 70 coupled to a base data processing system 12 (Page 4, lines 23-25). The base data processing system 12 communicates with one or more remote data processing systems 18 via a communications network 16 (Page 4, lines 25-27). A management system 14 is coupled to the communications network 16, the base data processing system 12, or both (Page 4, line 28 – Page 5, line 2). The management system 14 facilitates one or more of the following activities: remotely monitoring technical parameters and remotely altering technical parameters of one or more remote data processing systems 18 (Page 5, lines 2-4).

A technical parameter may define a configuration of a data processing system, which generically refers to the base data processing system 12, the remote data processing system 18, or both (Page 5, lines 5-7). A technical parameter may define an operational status of a data processing system (Page 5, lines 23-24). Operational status data may relate to a performance status, an occurrence of an alarm condition, a performance of a data processing system, a performance of a software component of a

data processing system, a performance of a hardware component of a data processing system, or any combination of the foregoing items (Page 5, lines 24-28).

The primary business system 70 may exchange transactional data with one or more secondary business systems 72 via the communications network 16 to conduct a transaction (e.g., business-to-business transaction) (Page 6, lines 1-3).

The base data processing system 12 may engage in a transaction with one or more remote data processing systems 18 over the communications network 16 (Page 7, lines 10-11).

The management system 14 may monitor a transaction or communication between the base data processing system 12 and any remote data processing system 18 (Page 7, lines 21-23). The management system 14 supports remote monitoring, remote configuration, or both of software components of the remote data processing system 18 (Page 8, lines 25-27).

The base data processing system 12 may refer to a business-to-business server or another computer intermediary that provides a communications interface between a primary business system 70 and a communications network 16 (Page 9, lines 13-15). As shown in FIG. 2, the base data processing system 12 may include a processor 20 in communication with a base status reporter 24 and a base communications interface 26 (Page 9, lines 15-17).

The processor 20 may execute an active base software module 22, which may be stored in a storage device (e.g., memory) (Page 9, lines 20-21). The base status reporter 24 may provide a report message on technical parameters (e.g., operational status or configuration data) pertaining to the base data processing system 12 or any of

its constituent components (Page 9, line 28 – Page 10, line 1). The base communications interface 26 supports communications between one or more of the following: (1) the management system 14 and the remote data processing system 18 and (2) the primary business system 70 and at least one secondary business system 72 (Page 10, lines 1-4).

As shown in FIG. 2, the management system 14 includes a managing communications interface 28 that is coupled to a data processor 30 (Page 10, lines 6-7). In turn, the data processor 30 is coupled to a user interface 34 and a storage device 32 (Page 10, lines 7-8).

In one embodiment, the data processor 30 includes a monitor 36, an interpreter 38, a controller 40, a presentation module 42, and a data manager 44 (Page 10, lines 18-19). The monitor 36 may receive data from or transmit data to the managing communications interface 28 (Page 10, lines 20-21). The interpreter 38 extracts or accepts technical parameter data or processed technical parameter data from the monitor 36 (Page 10, lines 24-25). The interpreter 38 refers to an evaluator that interprets or evaluates the monitored technical parameter data to determine whether and how the monitored technical parameter data is relevant to operational status, maintenance, revision, or upgrading of a data processing system within the business-to-business system 10 (Page 10, lines 25-29). The interpreter 38 may forward interpreted information to the presentation module 42 (Page 11, lines 1-2). The presentation module 42 prepares information for presentation by a user interface 34, such as a graphical user interface (Page 11, lines 3-4). The user interface 34 may be used to

display the status report that the remote status reporter 56 transmits thereto (Page 14, ll. 15-26).

The data manager 44 may communicate with the managing communications interface 28, a storage device 32, interpreter 38, and other components of the data processor 30, where necessary or appropriate (Page 11, lines 7-9). The storage device 32 stores one or more of the following storage allocations: a reference parameters storage 46, a received parameters storage 48, and a revision storage 50 (Page 11, lines 9-11). The data manager 44 (e.g., a database manager) manages query, storage and retrieval operations from one or more storage allocations (e.g., databases, dynamically defined data storage, or dedicated data storage) stored within the storage device 32 (Page 11, lines 12-15). The reference parameters storage 46 stores the reference technical parameters on the remote data processing systems 18 (Page 11, lines 16-17). The received parameter storage 48 contains received technical parameters on the actual technical parameters (e.g., actual configurations or actual operational parameters) of one or more remote data processing systems 18 (Page 12, lines 3-5). In contrast, the reference parameters contain reference data on the remote data processing system 18 (Page 12, lines 5-7). The reference technical parameters may define a reference or desired configuration of a corresponding remote identifier or trading group identifier (Page 12, lines 7-8).

FIG. 3 is a block diagram of a method for monitoring the operation of one or more remote data processing systems 18 via a communications network 16 (Page 16, lines 10-11). The management system 14 of FIGS. 1-2 may support the monitoring operation of FIG. 3 (Page 16, lines 12-13).

In step S10 of the method of FIG. 3, the management system 14 or the base data processing system 12 communicates with one or more remote data processing systems 18 via the communications network 16 (Page 16, lines 14-16). Each remote data processing system 18 may be associated with a different trading partner (Page 16, lines 18-19).

In step S12, the management system 14 or the managing communications interface 28 receives a report message on the at least one technical parameter via a communications network 16 (Page 16, lines 28-30). After gathering the technical parameter data the remote status reporter 56 may forward the technical parameter data to the remote communications interface 52, where the remote communications interface 52 conveys the technical parameter data to the managing communications interface 28 or the base communications interface 26 via the communications network 16 (Page 17, lines 2-7).

At the management system 14 in step S14, the data processor 30 or the interpreter 38 interprets, without human intervention, or processes the report message or the underlying technical parameter data (Page 17, lines 11-13). The information may be displayed at the user interface 34 (e.g., graphical user interface 34) by the identity of different trading partners having associated corresponding remote data processing systems 18 (Page 17, lines 18-21).

In step S16, the report message or technical parameter data is presented on a user interface 34 for review (Page 18, lines 3-4). The presentation of the technical parameter data supports the coordination of maintenance, upgrade, and trouble-

shooting procedures for a business-to-business system 10 of a trading group (Page 18, lines 7-10).

FIGS. 9 and 10 represent a flow chart of an update procedure for updating the remote software module 60 of FIG. 2 resident in a remote data processing system 18 remotely via a communications network 16 and the management system 14 (Page 30, lines 2-4).

In step S20 of the method of FIGS. 9 and 10, a management system 14 or a base data processing system 12 communicates with one or more remote data processing systems 18 associated with trading partners on technical parameters of software, hardware, or both of each remote data processing system 18 (Page 30, lines 23-26). For example, the management system 14 polls remote data processing systems 18 associated with trading partners on technical parameters (e.g., operational status) of software, hardware or both of each remote data processing system 18 (Page 30, lines 26-29). If the base data processing system 12 handles the polling of different remote data processing systems 18, the base data processing system 12 may route, direct, or forward any response of the remote data processing systems 18 to the management system 14 (Page 30, line 29 – Page 31, line 3).

In step S22, the management system 14 receives a report message or an indication on at least one of the technical parameters via the communications network 16 (Page 31, lines 7-9). The technical parameter or parameters of the remote data processing system 18 may include operational status data (Page 31, lines 15-24). The technical parameters may be expressed as technical parameter data (Page 31, lines 24-25).

In step S24, at the management system 14 or the data manager 44 retrieves reference technical parameter data on hardware, software or both from a reference parameters storage 46 (Page 32, lines 4-6). The reference parameters storage 46 may store reference technical parameter data on a reference technical parameter (e.g., reference operational data or a reference configuration) (Page 32, lines 6-8).

In step S26, a data processor 30 of the management system 14 determines if the received technical parameter data in the report message from the remote status reporter 56 of the remote data processing system 18 complies with or matches the reference technical parameter data retrieved from the reference parameters storage 46 (Page 33, lines 15-19).

If the data processor 30 determines that the received technical parameter data of the particular data processing system does not comply with or match the reference technical parameter data, then the method continues with step S32 (Page 34, line 2-5).

In step S32, the data processor 30 determines if the same type of software modules are specified in the reference technical parameter data as the received technical parameter data with respect to a particular remote data processing system 18 (Page 34, lines 22-25). If the same type of software modules are specified in both the reference technical parameter data and the received technical parameter data, then the method continues with step S36 (Page 34, lines 25-27). If the reference technical parameter data specifies a different type of software module than that of the received technical parameter data, then the method continues with step S34 (Page 34, lines 27-30).

In step S34, the management system 14 or a managing communications interface 28 sends or allocates a particular software module of a certain type to the remote data processing system 18 to remedy the detected discrepancy of the software type of step S32 (Page 35, lines 1-4).

In step S36, the data processor 30 or management system 14 determines if the same version of the software module is present in the received parameter data and in the retrieved reference parameter data (Page 36, lines 3-5). If the data processor 30 or management system 14 determines that the same version of the software module is present in the received technical parameter data as that specified in the referenced technical parameter data, then the method continues with step S40 (Page 36, lines 14-17). However, if the same version of the software modules is not specified in the referenced technical parameter data and the received technical parameter data, then the method continues with step S38 (Page 36, lines 17-19).

In step S38, the managing communications interface 28 or the management system 14 sends or allocates a desired version (e.g., latest version) of the software (e.g., a new remote software module) to the remote data processing system 18 with a particular identifier consistent with the software version deficiency identified in step S36 (Page 36, lines 20-24). Here, the remote data processing system 18 refers to the remote data processing system 18 with the software version deficiency noted in step S36 (Page 36, lines 24-26).

In step S40 of the method of FIGS. 9 and 10, the data processor 30 or management system 14 determines if a hardware upgrade or additional hardware is required to support the planned installation of the particular upgrade software module, a

new software module or the desired version of the software module (Page 37, lines 10-14). If the processor determines that additional hardware upgrade or additional hardware is required to support the planned installation, then the method continues with step S42 (Page 37, lines 26-28). However, if the processor determines that a hardware upgrade is not required to support the planned installation of the upgrade software module or the particular desired version of the upgrade software module, then the method continues with step S44 (Page 37, line 28 – Page 38, line 2).

In step S42, the presentation module 42 or the management system 14 generates an alert message for presentation of a user interface 34 (Page 38, lines 3-4). The alert message may inform a user that a hardware upgrade may be required for the remote data processing system 18 (Page 38, lines 4-6).

In step S44, the remote data processing system 18 revises the software configuration of the remote data processing system 18 based on the receipt of one or more of the following items: an appropriate version of the software to overcome a software version deficiency noted in step S36, an appropriate upgrade software module to overcome a software type deficiency noted in step S32, a latest version of an upgrade software module, and a new software module (Page 38, lines 17-23).

In step S46 of FIG. 10, the monitor 36 of the management system 14 may confirm replacement or revision by querying or checking the operational status of the revised or upgraded remote data processing system 18 via a direct request via the communications network 16 or incidental to a polling procedure for monitoring operational status of the remote data processing system 18 (Page 38, line 29 – Page 39, line 4).

B. Summary of Inventions of Independent Claims

With the above description in mind, claim 4 claims an embodiment of the invention as a method for managing a remote data processing system via a communications network. The method includes communicating with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system, wherein the at least one technical parameter includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network. An example of the communicating is the process S10 of FIG. 3 wherein the management system 14 or the base data processing system 12 communicates with one or more remote data processing systems 18 via the communications network 16 (Page 16, lines 14-16 and 18-19). A technical parameter may define an operational status of a data processing system (Page 5, lines 23-24). The method of claim 4 further includes receiving a message on the at least one technical parameter via the communications network. An example of the receiving is the process S12 of FIG. 3 wherein the management system 14 or the managing communications interface 28 receives a report message on the at least one technical parameter via a communications network 16 (Page 16, lines 28-30). The method of claim 4 includes presenting the message on a user interface for review. An example of the presenting is the process S16 of FIG. 3 wherein a report message or technical parameter data is presented on a user interface 34 for review (Page 18, lines 3-4). The method of claim 4 further includes automatically, without user involvement, coordinating the management of the at least one technical

parameter for trading partners within a trading group. An example of the coordinating is the coordination of maintenance, upgrade, and trouble-shooting procedures for a business-to-business system 10 of a trading group (Page 18, lines 7-10).

Claim 17 claims an embodiment of the invention as a system for managing a remote data processing system via a communications network. The system includes a managing communications interface for supporting communication with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system, wherein the at least one technical parameter includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network. An example of the system is the business-to-business system 10 (Page 4, lines 23-25). An example of the remote data processing system is one of the one or more remote data processing systems 18. Examples of the communications network and the base data processing system are the communications network 16 and the base data processing system 12, respectively (Page 4, lines 25-27). An example of the managing communications interface is the managing communications interface 28 of the management system 14, wherein the interface 28 is that is a coupled to a data processor 30 (Page 10, lines 6-7). The management system 14 facilitates one or more of the following activities: remotely monitoring technical parameters and remotely altering technical parameters of one or more remote data processing systems 18 (Page 5, lines 2-4). A technical parameter may define an operational status of a data processing system (Page 5, lines 23-24). The system of claim 17 further includes a

monitor for receiving a report message on the at least one technical parameter via the communications network. An example of the monitor is the monitor 36, an interpreter 38, a controller 40, a presentation module 42, and a data manager 44 (Page 10, lines 18-19). The monitor 36 may receive data from or transmit data to the managing communications interface 28 (Page 10, lines 18-21), wherein the monitor 36 includes technical parameter data or processed technical parameter data (Page 10, lines 24-25). The system of claim 17 includes an interpreter for interpreting, without human intervention, the report message for presentation on a user interface and for automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group. An example of the interpreter is the interpreter 38 that extracts or accepts technical parameter data or processed technical parameter data from the monitor 36 (Page 10, lines 18-19 and 24-25). The interpreter 38 refers to an evaluator that interprets or evaluates the monitored technical parameter data to determine whether and how the monitored technical parameter data is relevant to operational status, maintenance, revision, or upgrading of a data processing system within the business-to-business system 10 (Page 10, lines 25-29). The interpreter 38 may forward interpreted information to the presentation module 42 (Page 11, lines 1-2). The presentation module 42 prepares information for presentation by a user interface 34, such as a graphical user interface (Page 11, lines 3-4).

Claim 22 claims an embodiment of the invention as a system for managing a remote data processing system via a communications network. The system includes a monitor for receiving a message on at least one technical parameter of a remote data

processing system via the communications network, wherein the at least one technical parameter includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network. An example of the system is the business-to-business system 10 (Page 4, lines 23-25). An example of the remote data processing system is one of the one or more remote data processing systems 18. Examples of the communications network and the base data processing system are the communications network 16 and the base data processing system 12, respectively (Page 4, lines 25-27). An example of the monitor is the monitor 36 that may receive data from or transmit data to the managing communications interface 28 (Page 10, lines 18-21), wherein the monitor 36 includes technical parameter data or processed technical parameter data (Page 10, lines 24-25). The system of claim 22 further includes a data manager for retrieving reference technical parameter data from a reference parameters storage. An example of the data manager is the data manager 44 that may communicate with a storage device 32 (Page 11, lines 7-9). An example of the reference parameters storage is the reference parameters storage 46 of the storage device 32 (Page 11, lines 9-11). The data manager 44 (e.g., a database manager) manages query, storage and retrieval operations from one or more storage allocations (e.g., databases, dynamically defined data storage, or dedicated data storage) stored within the storage device 32 (Page 11, lines 12-15). In step S24 of the process of FIGS. 9-10, the data manager 44 retrieves reference technical parameter data on hardware, software or both from the reference parameters storage 46 (Page 32, lines 4-6). The system of claim 22 further includes a

data processor for determining whether the received technical parameter data of the message complies with the retrieved reference technical parameter data, wherein the remote data processing system is revised automatically and without intervention of a user when the received technical parameter data does not comply with the retrieved reference technical parameter data. An example of the data processor is the data processor 30 of the management system 14 which performs step S26 of the process of FIGS. 9-10 by determining if the received technical parameter data in the report message from the remote status reporter 56 of the remote data processing system 18 complies with or matches the reference technical parameter data retrieved from the reference parameters storage 46 (Page 33, lines 15-19). If there is no match then one or more of steps S34, S38 and S44 are performed which entail: 1) the management system 14 or a managing communications interface 28 sending or allocating a particular software module of a certain type to the remote data processing system 18 (Page 35, lines 1-4), 2) the managing communications interface 28 or the management system 14 sends or allocates a desired version (e.g., latest version) of the software (e.g., a new remote software module) to the remote data processing system 18 with a particular identifier consistent with the software version deficiency identified in step S36 (Page 36, lines 20-24) or 3) the remote data processing system 18 revising the software configuration of the remote data processing system 18 based on the receipt of one or more of the following items: an appropriate version of the software to overcome a software version deficiency noted in step S36, an appropriate upgrade software module to overcome a software type deficiency noted in step S32, a latest version of an upgrade software module, and a new software module (Page 38, lines 17-23).

Claim 29 claims an embodiment of the invention as a method for managing a remote data processing system via a communications network. The method includes receiving on a monitor a message containing technical parameter data on a remote data processing system via the communications network, wherein the technical parameter data includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network. An example of the receiving is the process S22 of FIG. 9 wherein the management system 14 receives a report message or an indication on at least one of the technical parameters via the communications network 16 (Page 31, lines 7-9). Examples of the monitor, remote data processing system and the base data processing system are the user interface 34, remote data processing system 18 and base data processing system 12, respectively (Page 4, ll. 25-27 and Page 14, ll. 15-26). The technical parameter or parameters of the remote data processing system 18 may include operational status data (Page 31, lines 15-24). The technical parameters may be expressed as technical parameter data (Page 31, lines 24-25). The method of claim 29 further includes retrieving reference technical parameter data from a reference parameters storage based on the message. An example of the retrieving is the step S24 of FIG. 9 wherein the management system 14 or the data manager 44 retrieves reference technical parameter data on hardware, software or both from a reference parameters storage 46 (Page 32, lines 4-6). The reference parameters storage 46 may store reference technical parameter data on a reference technical parameter (e.g., reference operational data or a reference configuration) (Page 32, lines 6-8). The

method of claim 29 includes determining whether the received technical parameter data of the message complies with the retrieved reference technical parameter data. An example of the determining is the step S26 wherein the data processor 30 of the management system 14 determines if the received technical parameter data in the report message from the remote status reporter 56 of the remote data processing system 18 complies with or matches the reference technical parameter data retrieved from the reference parameters storage 46 (Page 33, lines 15-19). The method of claim 29 includes automatically revising, without user involvement, the remote data processing system should the determining indicates that the received technical parameter data of the message does not comply with the retrieved reference technical parameter data. Examples of the revising are one or more of steps S34, S38 and S44 which entail: 1) the management system 14 or a managing communications interface 28 sending or allocating a particular software module of a certain type to the remote data processing system 18 (Page 35, lines 1-4), 2) the managing communications interface 28 or the management system 14 sends or allocates a desired version (e.g., latest version) of the software (e.g., a new remote software module) to the remote data processing system 18 with a particular identifier consistent with the software version deficiency identified in step S36 (Page 36, lines 20-24) or 3) the remote data processing system 18 revising the software configuration of the remote data processing system 18 based on the receipt of one or more of the following items: an appropriate version of the software to overcome a software version deficiency noted in step S36, an appropriate upgrade software module to overcome a software type deficiency noted in step S32, a latest version of an upgrade software module, and a new software module (Page 38, lines 17-23). The method of

claim 29 further includes displaying on a user interface confirmation that the revising has been completed. An example of the displaying is the process of step S46 of FIG. 10 wherein the monitor 36 of the management system 14 may confirm replacement or revision by querying or checking the operational status of the revised or upgraded remote data processing system 18 via a direct request via the communications network 16 or incidental to a polling procedure for monitoring operational status of the remote data processing system 18 (Page 38, line 29 – Page 39, line 4).

There are no means-plus-function terms or step-plus-function terms in independent claims 4, 17, 22 and 29 and dependent claims 11, 12 and 14-16, which are argued separately below in Section VII.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

There are three grounds of rejection presented for review:

- 1) the rejection of claims 4, 17, 22 and 29 under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 2) the rejection of claims 2-6, 17-28 and 30 under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., U.S. Patent Application Publication No. US 2002/0068631 A1, and Daniels, U.S. Patent No. 5,758,126.
- 3) the rejection of claims 8-16 and 29 under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Daniels and Kidder, U.S. Patent No. 6,455,774.

VII. ARGUMENT

A. 35 U.S.C. § 112, Second Paragraph

In the non-Final Office Action of July 18, 2008 (hereinafter “the Office Action”), claims 4, 17, 22 and 29 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite in meaning. In particular, the Examiner asserted at page 2 of the Office Action that it was unclear as to “coordinating the management to what of the technical parameter” and “technical parameter trying to coordinate.” Applicants traverse the rejection in that the claims are clear in meaning. The Examiner appears to be attempting to limit the recited “coordinating” to be based on a particular factor and to limit the type of technical parameter recited in the claims. This is improper. Applicants are not required to limit their invention to a particular embodiment. *Ralston Purina Co. v. Far-Mar-Co, Inc.*, 772 F.2d 1570, 227 USPQ 177, 179 (Fed. Cir. 1985). So long as the claims are supported by the specification and clear in meaning, as they are in this case, they are proper under 35 U.S.C. § 112, second paragraph, and so the rejection is improper and should be reversed.

B. 35 U.S.C. § 103

1. Raverdy et al. and Daniels

a. Claims 2-6

Claims 2-6 were rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al. and Daniels. Appellants traverse the rejection for several reasons. First, independent claim 4 recites presenting a message regarding at least one technical parameter of a remote processing system on a user interface for review, wherein a technical parameter includes information related to operation characteristics of a

remote data processing system. The Examiner at page 4, lines 1-3 and page 17, line 15- page 18, line 14 of the Office Action has asserted that Raverdy et al.'s disclosure at paragraphs 0083-0087 of presenting the certificate 810 regards presenting a message as recited in claim 4. A review of paragraphs 0082-0087 of Raverdy et al. reveals that the certificate regards a document that includes information pertinent to participants in a game. Such information can include the identity of one or more award winners, owner information, certificate usage history, etc. (See paragraphs 0083-0084 of Raverdy et al.). Since the information on the certificate does not pertain to a technical parameter as defined in claim 4, the Examiner's assertion has no merit. Furthermore, there is no reason given in Daniels et al. to provide information related to operation characteristics of a remote data processing system on Raverdy et al.'s certificate.

It is noted that the Examiner in the Advisory Action mailed on May 22, 2008 and at page 18, lines 3-14 of the Office Action has objected to Appellants' arguments made in their Amendment filed on April 21, 2008 that Raverdy does not teach "presenting technical parameter on a user interface for review" since the claims lack such a recitation.

Appellants traverse the objection in that it fails to take into account the entire language of the claims. For example, claim 4 recites "presenting the message on a user interface for review." Claim 4 further recites that the message mentioned above is "on the at least one technical parameter via the communications network." Combining the above recitations makes Appellants' arguments correct.

The rejection is improper for the additional reason that independent claim 4 recites that "coordinating the management of the at least one technical parameter for trading partners within a trading group" is done automatically and without user involvement. As

conceded by the Examiner at page 4 of the Office Action, Raverdy et al. does not disclose such automatic coordinating. The Examiner has relied at pages 4 and 18 of the Office Action on the passages at Col. 1, lines 20-45, Col. 2, lines 10-20 and Col. 6, lines 30-60 of Daniels et al. for curing the deficiencies of Raverdy et al. In particular, the Examiner has relied on Daniels et al.'s EDI transfer of data as providing a reason to alter Raverdy et al. to coordinate management of at least one technical parameter. Appellants disagree. Daniels discloses that EDI "is the direct application to application transmission of business documents such as purchase orders, invoices and remittance order" (Col. 1, ll. 29-32). There is no disclosure in Daniels et al. that such data are to be used to coordinate management of a technical parameter that includes information related to operation characteristics of a remote data processing system as required by claim 4. Accordingly, the rejection is improper and should be reversed.

The rejections of 2, 3, 5 and 6, which depend directly on claim 4, should be reversed for the reasons stated above with respect to claim 4.

b. Claims 17-21

Claims 17-21 were rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al. and Daniels. Appellants traverse the rejection. In particular, independent claim 17 recites "an interpreter for interpreting, without human intervention, the report message for presentation on a user interface and for automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group." As mentioned above at pages 20-22 in Section VII.B.1.a, neither Raverdy et al. nor Daniels discloses:

- 1) presenting a report message on a user interface that regards a technical parameter

that includes information related to operation characteristics of a remote data processing system and 2) automatically, without user involvement, coordinating management of a technical parameter. Accordingly, the rejection is improper and should be reversed.

It is noted that the Examiner in the Advisory Action mailed on May 22, 2008 and at page 19 of the Office Action has objected to Appellants arguments made in their Amendment filed on April 21, 2008 that Raverdy does not teach the recited "interpreter." The Examiner has relied on FIG. 8 and paragraphs 0083-0087 of Raverdy as disclosing the recited interpreter. Such reliance is misplaced since FIG. 8 and the paragraphs do not disclose an interpreter which interprets, without human intervention, a report message "and for automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group."

The rejections of claims 18-21, which depend directly on claim 17, should be reversed for the reasons stated above with respect to claim 17.

c. Claims 22-28 and 30

Claims 22-28 and 30³ were rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al. and Daniels. Independent claim 22 recites "the remote data processing system is revised automatically and without intervention of a user when the received technical parameter data does not comply with the retrieved reference technical parameter data." For reasons similar to those given above at pages 20-22 in Section VII.B.1.a, neither Raverdy et al. nor Daniels discloses revising

³ Although page 3 of the Office Action fails to recite that claim 30 is being rejected under 35 U.S.C. § 103 as being obvious in view of Raverdy et al. and Daniels, the arguments presented at page 12, lines 1-5 of the Office Action regarding claim 30 demonstrate that claim 30 is rejected based on the combination of Raverdy et al. and Daniels.

automatically without intervention of a user a remote data processing system when received technical parameter data does not comply with retrieved reference technical parameter data. Accordingly, the rejection of claim 22 is improper and should be reversed.

The rejections of claims 23-28 and 30, which depend directly on claim 22, should be reversed for the reasons stated above with respect to claim 22.

2. Raverdy et al., Daniels and Kidder
a. Claims 8-10, 13 and 29

Claims 8-10, 13 and 29 were rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Daniels and Kidder. Appellants traverse the rejection. In particular, independent claim 29 recites that the revision of the remote data processing system is done automatically and without user involvement should “the received technical parameter data of the message does not comply with retrieved reference technical parameter data”, wherein technical parameter data includes information related to operation characteristics of a remote data processing system. Since not one of Raverdy et al., Daniels or Kidder discloses the recited revision of the remote data processing system, the rejection of claim 29 is improper and should be reversed.

The rejections of claims 8-10 and 13, which depend directly or indirectly on claim 29, should be reversed for the reasons stated above with respect to claim 29.

b. Claim 11

Claim 11 was rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Daniels and Kidder. Appellants traverse the rejection. Claim 11

depends indirectly on claim 29 and so its rejection should be reversed for the reasons given above at page 24 in Section VII.B.2.a with respect to claim 29.

The rejection of claim 11 should be reversed for the additional reason that Raverdy et al. fails to disclose installing an upgrade software module after receipt of confirmation that a requisite hardware upgrade has been successfully completed as recited in the claims. For example, the passages of Raverdy et al. relied on by the Examiner at pages 15 and 18 of the Office Action are silent as to the recited receipt of confirmation. Since there is no reason based on Daniels, Kidder or other sources to alter Raverdy et al. to perform the recited receipt of confirmation, the rejection is improper and should be reversed.

c. Claim 12

Claim 12 was rejected in the Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Daniels and Kidder. Appellants traverse the rejection. Claim 12 depends directly on claim 29 and so its rejection should be reversed for the reasons given above at page 24 in Section VII.B.2.a with respect to claim 29.

The rejection of claim 12 should be reversed for the additional reason that Raverdy et al. fails to disclose “delaying a transmission of a revision to a remote data processing system if the same software components are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the revision.” The passages of Raverdy et al. relied on by the Examiner at pages 15 and 16 of the Office Action are silent as to the recited delaying transmission. Since there is no reason based

on Daniels, Kidder or other sources to alter Raverdy et al. to perform the recited delaying transmission, the rejection is improper and should be reversed.

d. Claim 14

Claim 14 was rejected in the Final Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Daniels and Kidder. Appellants traverse the rejection. Claim 14 depends indirectly on claim 29 and so its rejection should be reversed for the reasons given above in Section VII.B.2.a with respect to claim 29.

The rejection of claim 14 should be reversed for the additional reason that Raverdy et al. fails to disclose installing a desired version of an upgrade software module after receipt of confirmation that a requisite hardware upgrade has been successfully completed as recited in claim 14. For example, the passages of Raverdy et al. relied on by the Examiner at page 16 of the Office Action are silent as to the recited receipt of confirmation. Since there is no reason based on Daniels, Kidder or other sources to alter Raverdy et al. to perform the recited receipt of confirmation, the rejection is improper and should be reversed.

e. Claim 15

Claim 15 was rejected in the Final Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Daniels and Kidder. Appellants traverse the rejection. Claim 15 depends directly on claim 29 and so its rejection should be reversed for the reasons given above in Section VII.B.2.a with respect to claim 29.

The rejection of claim 15 should be withdrawn for the additional reason that Raverdy et al. fails to disclose "delaying a transmission of a desired version of an upgrade software module to the remote data processing system if the same versions of

software modules are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the desired version of the upgrade software module.” The passages of Raverdy et al. relied on by the Examiner at pages 16-17 of the Office Action are silent as to the recited delaying transmission. Since there is no reason based on Daniels, Kidder or other sources to alter Raverdy et al. to perform the recited delaying transmission, the rejection is improper and should be reversed.

f. Claim 16

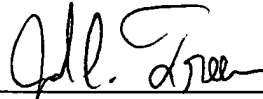
Claim 16 was rejected in the Final Office Action under 35 U.S.C. § 103 as being obvious in view of Raverdy et al., Daniels and Kidder. Appellants traverse the rejection. Claim 16 depends directly on claim 29 and so its rejection should be reversed for the reasons given above in Section VII.B.2.a with respect to claim 29.

The rejection of claim 16 should be reversed for the additional reason that Raverdy et al. fails to disclose revising the reference parameters storage in the manner recited in claim 16. The passages of Raverdy et al. relied on by the Examiner at page 17 of the Office Action are silent as to the recited revising. Since there is no reason based on Daniels, Kidder or other sources to alter Raverdy et al. to perform the recited revising, the rejection should be reversed.

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For the reasons give above, Appellants respectfully submits that the rejections should be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J.C. Freeman", is written over a horizontal line.

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VIII. CLAIMS APPENDIX

2. The method according to claim 4 wherein the communicating comprises polling a remote business-to-business server as the remote data processing system to obtain the at least one technical parameter concerning an operational status of at least one of software and hardware of the remote business-to-business server.

3. The method according to claim 4 wherein the communicating comprises polling a remote business-to-business server as the remote data processing system to obtain the at least one technical parameter of at least one of software and hardware of the remote business-to-business server.

4. A method for managing a remote data processing system via a communications network, the method comprising:

communicating with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system, wherein the at least one technical parameter includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network;

receiving a message on the at least one technical parameter via the communications network;

presenting the message on a user interface for review; and

automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group.

5. The method according to claim 4 wherein the at least one technical parameter is selected from the group consisting of: hardware configuration of the remote data processing system, hardware configuration of the base data processing system, software configuration of the remote data processing system, software configuration of the base data processing system, an installed version of a remote software module, an installed version of a base software module, an installed type of remote software module, an installed type of base software module, operational status data, performance metric data on performance of the remote data processing system, and performance metric data on performance of the base data processing system.

6. The method according to claim 4 wherein the at least one technical parameter comprises operational status data of at least one of the remote data processing system, the base data processing system, and the communications network.

8. The method according to claim 29 further comprising: polling a second remote data processing system that is associated with a trading partner on the technical parameter data of the remote data processing system.

9. The method according to claim 29 further comprising: sending a revision to the remote data processing system if at least one software component of the remote data processing system is noncompliant with the reference technical parameter data.

10. The method according to claim 29 further comprising: sending an upgrade software module to the remote data processing system if the same types of software modules are not specified in the reference technical parameter data and the received technical parameter data.

11. The method according to claim 10 further comprising: installing the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the upgrade software module has been successfully completed.

12. The method according to claim 29 further comprising: delaying a transmission of a revision to the remote data processing system if the same software components are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the revision.

13. The method according to claim 29 further comprising: sending a desired version of an upgrade software module to the remote data processing system if the same versions of software modules are not specified in the reference technical parameter data and the received technical parameter data.

14. The method according to claim 13 further comprising: installing the desired version of the upgrade software module after receipt of confirmation that a requisite hardware upgrade for supporting the desired version of the upgrade software module has been successfully completed.

15. The method according to claim 29 further comprising: delaying a transmission of a desired version of an upgrade software module to the remote data processing system if the same versions of software modules are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the desired version of the upgrade software module.

16. The method according to claim 29 further comprising: revising the reference parameters storage such that a reference configuration is defined by the technical parameter data and includes a new feature for installation at the remote data processing system.

17. A system for managing a remote data processing system via a communications network, the system comprising:

a managing communications interface for supporting communication with a remote data processing system associated with a trading partner on at least one technical parameter of the remote data processing system, wherein the at least one technical parameter includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network;

a monitor for receiving a report message on the at least one technical parameter via the communications network; and

an interpreter for interpreting, without human intervention, the report message for presentation on a user interface and for automatically, without user involvement, coordinating the management of the at least one technical parameter for trading partners within a trading group.

18. The system according to claim 17 wherein the remote data processing system comprises a remote business-to-business server.

19. The system according to claim 17 further comprising a presentation module for preparing a presentation of the report message on the user interface for review.

20. The system according to claim 17 wherein the at least one technical parameter is selected from the group consisting of: hardware configuration of the remote data processing system, hardware configuration of the base data processing system, software configuration of the remote data processing system, software configuration of the base data processing system, an installed version of a remote software module, an installed version of a base software module, an installed type of remote software module, an installed type of base software module, operational status data, performance metric data on performance of the remote data processing system, and performance metric data on performance of the base data processing system.

21. The system according to claim 17 wherein the at least one technical parameter comprises operational status data.

22. A system for managing a remote data processing system via a communications network, the system comprising:

a monitor for receiving a message on at least one technical parameter of a remote data processing system via the communications network, wherein the at least one technical parameter includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network;

a data manager for retrieving reference technical parameter data from a reference parameters storage; and

a data processor for determining whether the received technical parameter data of the message complies with the retrieved reference technical parameter data, wherein the remote data processing system is revised automatically and without intervention of a user when the received technical parameter data does not comply with the retrieved reference technical parameter data.

23. The system according to claim 22 further comprising: a base communications interface adapted to poll the remote data processing system associated with a trading partner on the at least one technical parameter of the remote data processing system.

24. The system according to claim 22 further comprising: a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same software modules are not specified in the reference technical parameter data and the received technical parameter data.

25. The system according to claim 22 further comprising: a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same software type of software modules are not specified in the reference technical parameter data and the received technical parameter data.

26. The system according to claim 22 further comprising: a managing communications interface for sending a revision to the remote data processing system if the data processor determined that the same version of software modules are not specified in the reference technical parameter data and the received technical parameter data.

27. The system according to claim 22 wherein the data processor is coupled to a storage device, the storage device including at least one of a reference parameters storage, a received parameters storage, and an upgrade module storage for storing upgrade software modules.

28. The system according to claim 22 wherein the data manager and a user interface support a user's revision of reference parameters of the reference parameters storage to add, delete, or modify at least one software feature of the remote data processing system.

29. A method for managing a remote data processing system via a communications network, the method comprising:

receiving on a monitor a message containing technical parameter data on a remote data processing system via the communications network, wherein the technical parameter data includes information related to operation characteristics of any one of the remote data processing system, the communications network and a base data processing system in communication with the remote data processing system via the communications network;

retrieving reference technical parameter data from a reference parameters storage based on the message;

determining whether the received technical parameter data of the message complies with the retrieved reference technical parameter data;

automatically revising, without user involvement, the remote data processing system should the determining indicates that the received technical parameter data of the message does not comply with the retrieved reference technical parameter data; and

displaying on a user interface confirmation that the revising has been completed.

30. The system according to claim 22, further comprising a user interface in communication with the monitor, wherein the user interface displays a second message based on the determining whether the received technical parameter data complies with the retrieved reference technical parameter data.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.